

Message Text

UNCLASSIFIED

PAGE 01 USUN N 04758 141802Z

44

ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10

PA-04 PRS-01 SPC-03 SS-20 USIA-15 ACDA-19 DPW-01

DRC-01 /185 W

----- 124669

R 141727Z NOV 73

FM USMISSION USUN NY

TO SECSTATE WASHDC 1103

INFO USMISSION GENEVA

UNCLAS USUN 4758

E.O. 11652: NA

TAGS: UNGA, SOCI

SUBJ: 28TH GA--THIRD COMMITTEE, ITEM 60, WAR CRIMES AND

CRIMES AGAINST HUMANITY

1. SUMMARY. THIRD COMITE CONCLUDED CONSIDERATION OF SUBJECT ITEM FRIDAY, NOV 9, BY PASSING DRAFT RES 82(US)-0-15. ABSTAINERS PRIMARILY ARAB STATES AND SOME LAS. US DEL VOTED YES ON MOST PARAS AND FOLLOWING VOTE EXPLAINED US INTERPRETATION OF CERTAIN PROVISIONS. END SUMMARY.

2. THIRD COMITE, MOVING RAPIDLY, PASSED BY 82(US)-0-15 DRAFT RES ORIGINALLY INTRODUCED BY BY THE RUSSIAN DEL AT 27TH GA BUT SUBSEQUENTLY MODIFIED AT 29TH SESSION OF HUMAN RIGHTS COMMISSION TO MEET OUR MOST SERIOUS OBJECTIONS. CHAIRMAN MAHMASSANI (LEBANON) PUSHED CONCLUSION OF DEBATE AT END OF SECOND OF FIVE SCHEDULED MEETINGS. THIS TACTIC WAS PROMPTED BY FEAR THAT FURTHER DISCUSSION WOULD PROVIDE AFRICAN BLOC OPPORTUNITY TO PROPOSE AMENDMENTS, REINTRODUCING CONCEPT OF CRIMES AGAINST HUMAITY RESULTING FROM APARTHEID, IMPERALISM AND COLONIALISM UNACCEPTABLE TO WEOS AND THUS TO DESTROY CONSENSUS.

3. AS IT PROVED, ONLY SAUDI ARABIA'S BAROODY MADE SERIOUS EFFORT

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 USUN N 04758 141802Z

TO AMEND RES. SPEAKING OUT AGAINST THE WHOLE CONCEPT OF WAR

CRIMES (E.G. ALL WARS ARE CRIMINAL), HE DENOUNCED THE RES AS AN EXAMPLE OF SUPER POWERS IMPOSING THEIR COMBINED WILL ON SMALL COUNTRIES. HE TOLD AFRICAN BLOC IT WAS BEING USED BY SOVIET UNION FOR LATTER'S OWN ENDS. AFRICANS GENERALLY MAINTAINED UNITY BEHIND SOVIETS, BUT ARAB STATES, KUWAIT, QATAR, OMAN, UNITED ARAB EMIRATES, AND BAHRAIN WERE PERSUADED TO ABSTAIN. SEVERAL LATIN STATES ALSO ABSTAINED BECAUSE DRAFT GAVE THEM DIFFICULTIES IN REGARD TO BOTH EXTRADITION AND RIGHT OF POLITICAL ASYLUM.

4. VOTE WAS AS FOLLOWS:

OPERATIVE PART:

SEPARATE VOTE ON THE WORDS "WHENEVER OR WHEREVER THEY ARE COMMITTED" OF PARA 1: 34-22-36(US)

PARA 1 AS A WHOLE 64(US)-1-35

PARA 2 81(US)-0-14

PARA 3 78(US)-0-18

PARA 4 56(US)-1-40

PARA 5 75(US)-0-22

PARA 6 56(US)-2-38

PARA 7 73-0-25(US)

PARA 8 85(US)-0-14

DRAFT RES AS WHOLE 75(US)-1-30

5. IN EXPLANATION OF VOTE AS INSTRUCTED US REP (WIGGINS) DREW ATTENTION TO PRINCIPLE 4 AND STATED THAT USG UNDERSTOOD AND INTERPRETED THAT SO FAR AS USG IS CONCERNED UNDER THIS PRINCIPLE EXTRADITION MUST BE PURSUANT TO NATIONAL LEGISLATION AND TREATIES IN FORCE. US REP ALSO MADE FURTHER POINT THAT WHILE PRINCIPLE REFERS TO TRIAL OF PERSONS AGAINST WHOM THERE IS EVIDENCE OF HAVING COMMITTED WAR CRIMES "AS A GENERAL RULE IN COUNTRIES IN WHICH THEY COMMITTED THOSE CRIMES" USG UNDERSTANDS THIS PROVISION AS NOT EXCLUDING TRIAL OF ACCUSED PERSONS IN COUNTRIES OF CUSTODY AS WELL. US REP EXPLAINED THAT US HAD ABSTAINED ON PRINCIPLE 7 FOR REASONS WHICH WERE FULLY SET OUT IN RECORDS OF HUMAN RIGHTS COMMISSION AND HENCE DID NOT NEED TO BE REPEATED, BUT THAT WHILE WE COULD NOT ACCEPT PRINCIPLE 7, WE COULD AND DID SUPPORT RES AS WHOLE.

SCALI

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CRIMES, WAR CRIMES, COMMITTEES, UNGA RESOLUTIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 14 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973USUNN04758
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731133/aaaaayba.tel
Line Count: 99
Locator: TEXT ON-LINE
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: shawdg
Review Comment: n/a
Review Content Flags:
Review Date: 01 FEB 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01-Feb-2002 by elbezefj>; APPROVED <07 FEB 2002 by shawdg>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: 28TH GA--THIRD COMMITTEE, ITEM 60, WAR CRIMES AND CRIMES AGAINST HUMANITY
TAGS: SOCI, UNGA
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005